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Attorneys for Plaintiffs

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANDREW T. PIÑON, et al., On Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.,

Defendants.

No. C-07-0634-SBA

~~XXXXXX~~
PROPOSED PRETRIAL ORDER NO. 1
APPOINTING INTERIM LEAD COUNSEL
AND EXECUTIVE COMMITTEE

DATE: May 22, 2007
TIME: 1:00 p.m.
COURTROOM: 3

I. APPOINTMENT AND DUTIES OF CLASS COUNSEL

1. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Court appoints: Lerach Coughlin Stoia Geller Rudman & Robbins LLP as interim lead-counsel. The Court appoints Meade & Schrag LLP, Schrag & Baum, P.C., Hulett Harper Stewart LLP, Scott + Scott LLP and Bushnell, Caplan, Fielding & Maier, LLP as plaintiffs' Executive Committee, with Meade & Schrag as Executive Chair. Interim Lead Counsel shall be generally responsible for conducting the prosecution of the litigation on behalf of plaintiffs and the putative class in consultation with the plaintiffs' executive committee.

2. *Interim Lead Counsel* in consultation with the Executive Committee shall:

(a) file and serve a consolidated class action complaint;

(b) determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties, the position of the plaintiffs on all matters arising during pretrial proceedings;

(c) coordinate the initiation and conduct of discovery on behalf of plaintiffs' counsel with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

(d) conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;

(e) delegate specific tasks to other counsel or committees of counsel, in the discretion of interim lead counsel, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;

(f) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(g) prepare and distribute periodic status reports to the parties;

(h) monitor the activities of all plaintiffs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided, including the avoidance of unnecessary or duplicative communications among plaintiffs' counsel;

1 (i) perform such other duties as may be incidental to proper coordination of
2 plaintiffs' pretrial activities or authorized by further order of the Court;

3 (j) maintain and distribute an up-to-date service list to all counsel;

4 (k) maintain and make available to co-counsel at reasonable hours a complete file
5 of all documents served by, or upon, each party except such documents as may be available at a
6 document depository; and

7 (l) establish and maintain a document depository, including electronic
8 depositions with remote access, if appropriate.

9 3. The *Chair of the Executive Committee* shall act as liaison with the Court and
10 opposing parties and shall receive and, as appropriate, distribute Orders from the Court and
11 documents from opposing parties and counsel to co-counsel.

12 4. *Plaintiffs' Executive Committee*: To the extent delegated by interim lead counsel,
13 members of the Executive Committee shall:

14 (a) execute the Orders of the Court concerning the conduct of the litigation, and
15 participate in drafting pleadings, motions, oral argument, written discovery, depositions, pre-trial
16 preparation and settlement, or such other tasks assigned to them. Interim Lead Counsel and the
17 executive committee members may organize and delegate to other plaintiffs' counsel, and form
18 working committees to the extent necessary for the efficient prosecution of the case; and

19 (b) work with Lead Counsel to prosecute the case and assist in assuring that the
20 case is handled efficiently and cost-effectively.

II. SUBSEQUENT ACTIONS

This order will apply to all subsequent “tag-a-long” actions related to this litigation. A copy of this order shall be served on counsel for plaintiffs of all subsequent “tag-a-long” actions in related actions by Interim Lead Counsel.

* * *

ORDER

IT IS SO ORDERED.

DATED: 5/15/07



THE HONORABLE SAUNDRA B.
ARMSTRONG
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 27, 2007.

s/ CHRISTOPHER M. BURKE
CHRISTOPHER M. BURKE

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Manual Notice List

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